II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1 and 3-19 remain pending.

Further Claim Clarifications

Prior to discussing the cited references, it is believed that a brief discussion on the current form of the independent claims of this application is warranted. The original independent claims of this application have been amended to clarify, more particularly to point out and distinctly claim that which applicant regards as the subject matter of the present invention. Specifically, claims 1 and 12 now recite the retraction device itself being mounted to and between the guide rails.

Rejections – 35 U.S.C. § 103

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,016,861 ("Davis") in view of U.S. Patent No. 5,915,443 ("Lindley"). Applicant respectfully traverses this rejection.

When combining references to make an obviousness rejection, there must be some motivation or suggestion, within the references themselves, to make the combination. In the present instance, Davis teaches against combining with Lindley because doing so would defeat the stated purpose of Davis. The purpose of Davis is "to provide a screen for the rear window of a vehicle that may be quickly... open[ed] and closed..." (Davis, col. 2, lines 12-15) allowing a passenger "to access items in the truck bed" (*Id.* at col. 3, lines 22-23). Lindley describes a retractable window

screen attached to the frame and sash of a double-hung window. The retractor in Lindley is built into the frame and the screen is attached to the sash in a permanent fashion, using wood screws, nails and bolts. The screen is not intended and cannot be readily removed to allow access to items on the other side of the window. *Id.* at col. 4, lines 52-53 *and* Figure 7A. Therefore, combining Davis with Lindley would result in a screen that prevents access to the cargo area, thereby defeating the purpose of Davis.

In that there is no motivation within Davis or Lindley to combine these references, it must be concluded that the combination of Davis in view of Lindley cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Even if there were a motivation to combine the references, Lindley individually and when combined with Davis, would fail to disclose or suggest the features lacking in Davis.

First, as claimed, the screen panel is attached to a retractor that is located adjacent to a side portion of a stationary window that also defines part of the opening between two stationary windows. *See* Davis at Figures 1-6. Lindley discloses a retractor located in the window frame and a screen attached to the window sash. Lindley at col. 4, lines 45-60 *and* Figure 7A. As such, it is not suggested to mount the vent screen assembly generally in the middle of the window (the retraction device adjacent the edge of one stationary glass panel and the screen coupled to a moveable glass panel) assembly itself.

Next, the amended claims 1 and 12 of the present invention state that the retraction device is mounted to and between the guide rails and adjacent to the side portion of one of the stationary windows. In Lindley, the retraction device is either

mounted directly to a stool or vertical apron or inside a lateral member or sill. Therefore, if the teachings of the references are combined, the combination of Davis and Lindley would suggest the retraction device being mounted directly to a frame of the movable glass panel or the perimeter frame (9) at the window in Davis. Not to the rails as claimed.

It therefore must be concluded that the combination of Davis in view of Lindley cannot render the claims of the present application as obvious. The rejection under 35 U.S.C. § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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